



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 23 सितम्बर, 1964/ 1 आश्विन, 1886

GOVERNMENT OF HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT NOTIFICATIONS

Simla-4, the 22nd September, 1964

No. 1-25/64-VS.—In pursuance of rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1964 “The Land Acquisition (Himachal Pradesh Amendment) Bill, 1964 (Bill No. 7 of 1964)” as introduced in the Legislative Assembly on the 22nd September, 1964 is hereby published in the Himachal Pradesh Government Gazette.

Bill No. 7 of 1964

THE LAND ACQUISITION (HIMACHAL PRADESH AMENDMENT) BILL, 1964

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to amend the Land Acquisition Act, 1894 (Act No. 1 of 1894) in its application to the Union territory of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifteenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Land Acquisition (Himachal Pradesh Amendment) Act, 1964.

2. Amendment of section 12.—In sub-section (2) of section 12 of the

Land Acquisition Act, 1894, in its application to the Union territory of Himachal Pradesh (hereinafter referred to as the principal Act), after the word "made" the words "and, where the acquisition of land is not for the purpose of the Union, also send a copy of the award to the State Government" shall be added.

3. Insertion of new section 12-A.—After section 12 of the principal Act, the following section shall be inserted, namely:—

"12-A. *Power to correct award.*—(1) The Collector may, at any time but not later than six months from the date of award, or, where a reference is required to be made under section 18, before the making of such reference, correct any clerical or arithmetical mistake in the award either of his own motion or on the application of any person interested.

(2) The Collector shall give immediate notice of any correction made in the award to all persons interested and, where the acquisition of land is not for the purpose of the Union, also to the State Government.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), such person shall be liable to refund the excess, and if he defaults or refuses to pay, the same may be realised as an arrear of land revenue."

4. Amendment of section 18.—In section 18 of the principal Act, after sub-section (2) the following sub-sections shall be inserted, namely:—

"(2-A) Without prejudice to the provisions of sub-section (1), the State Government may, where the acquisition of land is not for the purposes of the Union and it considers the amount of compensation allowed by the award under section 11 to be excessive, require the Collector by written application that the matter be referred by him to the court for determination of the amount of compensation.

Explanation.—In any case of land under Part VII, the requisition under this sub-section may be made by the State Government at the request of the Company on its undertaking to pay all the cost consequent upon such requisition.

(2-B) The requisition shall state the grounds on which objection to the award is taken and shall be made within six months of the date of award."

5. Amendment of section 25.—(1) In sub-section (1) of section 25 of the principal Act, the words "or be less than the amount awarded by the Collector under section 11" shall be omitted.

(2) In sub-section (3) of section 25 of the principal Act, after the word "Collector", the words "unless the State Government has required the Collector that a reference be made under section 18 and the court is of opinion that the amount awarded by the Collector is excessive and should be reduced" be added.

STATEMENT OF OBJECTS AND REASONS

At present, there is no provision in the Land Acquisition Act whereby any clerical or arithmetical mistake in the award can be corrected by the Land Acquisition Collector.

2. According to the provision of the existing Act, any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court and upon such an application a reference is made to Civil Court by the Collector. As regards the Acquiring Department, the award of the Collector is final. As the Land Acquisition Collector is supposed to act on behalf of the Government, it was considered that his award should be acceptable to the Government. It has, however, been noticed in the recent past that some of the Special Collectors have been awarding compensation at excessive rates, to which the Acquiring Department have been taking exceptions. So it is considered that it would be fit and proper that a right similar to the one given to the other interested parties should vest in the Government also. In any case, where the Acquiring Department feels that the award of the Special Collector is excessive, Government should also be in a position to ask the Collector to make a reference to the Civil Court.

3. This Bill seeks to achieve the above objects.

KARAM SINGH,
Revenue Minister.

SIMLA :
The 22nd September, 1964.

FINANCIAL MEMORANDUM

NIL

MEMORANDUM REGARDING DELEGATED LEGISLATION

NIL

Simla-4, the 22nd September, 1964

No. 1-23/64-VS.—In pursuance of rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1964 “The Punjab State Aid to Industries (Himachal Pradesh Amendment) Bill, 1964 (Bill No. 8 of 1964)” as introduced in the Legislative Assembly on the 22nd September, 1964 is hereby published in the Himachal Pradesh Government Gazette.

Bill No. 8 of 1964

THE PUNJAB STATE AID TO INDUSTRIES (HIMACHAL PRADESH AMENDMENT) BILL, 1964

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A BILL

*to amend the Punjab State Aid to Industries Act, 1935 (Act No. V of 1935)
in its application to the Union territory of Himachal Pradesh.*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifteenth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Punjab State Aid to Industries (Himachal Pradesh Amendment) Act, 1964.

(2) It shall come into force at once.

2. Amendment of section 3.—In section 3 of the Punjab State Aid to Industries Act, 1935, in its application to the Union territory of Himachal Pradesh (hereinafter referred to as the principal Act),—

(a) In sub-section (1)—

(i) For clause (a) the following clause shall be substituted, namely:—
“(a) the Minister in charge of the Industries Department, Himachal Pradesh.”

(ii) In clause (d) for the words “Territorial Council of Himachal Pradesh” the words “Legislative Assembly of Himachal Pradesh” and for the word “Council” the words “Legislative Assembly” shall be substituted.

(iii) After the existing proviso the following proviso shall be added, namely:—

“And provided further that for any meeting of the Board, the Minister shall have power to invite any person for consultation on any particular question.”

(b) In sub-section (2) for the words “The Secretary, Department of Industries, Himachal Pradesh” the words “The Minister in charge of the Industries Department, Himachal Pradesh” shall be substituted.

3. Amendment of sections 4 and 9.—In sections 4 and 9 of the principal Act, for the words “the Territorial Council of Himachal Pradesh” the words “the Legislative Assembly of Himachal Pradesh” and for the word “Council” the

words "Legislative Assembly" shall be substituted.

4. Amendment of section 15.—In the proviso to section 15 of the principal Act, for the figures "5000/-" the figures "25000/-" shall be substituted.

5. Amendment of section 21.—For section 21 of the principal Act, the following section shall be substituted, namely:—

"21. (1) (a) On the acceptance of any application for a loan the applicant shall execute a deed in the prescribed form undertaking to apply the loan to the purpose for which and to fulfil the condition on which, the loan is granted rendering himself and such property as may have been specified in the deed as security including machinery purchased on or any building constructed with the aid of the loan and in the event of such property being found insufficient rendering the whole of his property liable for repayment of the loan with interest and costs, if any, incurred by the State Government in making or recovering the loan.

(b) No transfer, assignment or charge made or created after the execution of the deed in relation to the property specified therein or machinery purchased or building constructed with the aid of loan shall be valid against the State Government unless it has been made or created with the previous consent in writing of the authority sanctioning the loan.

(2) When the application has been made by a firm or company the deed shall be executed by a duly authorised representative thereof, and the deed shall thereon be deemed binding on the said firm or company and the property of the said firm or company shall be liable for the repayment of the loan in the same manner as if the loan had been granted to an individual."

STATEMENT OF OBJECTS AND REASONS

Consequent upon enforcement of the Government of Union Territories Act, 1963 (No. 20 of 1963) the democratic set up was restored in this territory. The change in the set up necessitates certain amendments in the Punjab State Aid to Industries Act, 1935 (No. 5 of 1935) in its application to the Union territory of Himachal Pradesh.

In the interest of the development of Industries in the Pradesh it is essential that the amount of the aid which the Himachal Pradesh Government is at present empowered to sanction under section 15 of the said Act be raised from Rs. 5,000 to Rs. 25,000.

The security for repayment of loan which the loanee is required to give under section 21 of the said Act is insufficient. In the interest of recovery of loan it is necessitated that the existing provision of section 21 be substituted by suitable section making the repayment of loan more effective.

This Bill seeks to make the above mentioned amendments in the Punjab

State Aid to Industries Act, 1935 in its application to the Union territory of Himachal Pradesh.

HARI DASS,
Minister for Industries.

SIMLA:
The 22nd September, 1964.

FINANCIAL MEMORANDUM

NIL

MEMORANDUM REGARDING DELEGATED LEGISLATION

NIL

Simla-4, the 22nd September, 1964

No. 1-27/64-VS.—In pursuance of rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1964 “The East Punjab General Sales Tax (Himachal Pradesh Amendment) Bill, 1964 (Bill No. 9 of 1964)” as introduced in the Legislative Assembly on the 22nd September, 1964 is hereby published in the Himachal Pradesh Government Gazette.

Bill No. 9 of 1964

**THE EAST PUNJAB GENERAL SALES TAX (HIMACHAL PRADESH
AMENDMENT) BILL, 1964**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

*to amend the East Punjab General Sales Tax Act, 1948 (Act No. XLVI of 1948)
as extended to Himachal Pradesh.*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifteenth Year of the Republic of India as follows:—

Legislative Assembly of Himachal Pradesh in the Fifteenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Himachal Pradesh Corneal Grafting Act, 1964.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force on such date and in such area or areas as the State Government may, by notification in the Official Gazette, specify in this behalf.

2. Definitions.—In this Act unless the context otherwise requires.—

(a) “approved institution” means a hospital or medical or teaching institution for therapeutic purposes approved by the State Government for the purposes of this Act;

(b) “State Government” means the Administrator of the Union Territory of Himachal Pradesh;

(c) “Official Gazette” means the Rajpatra, Himachal Pradesh;

(d) “registered medical practitioner” means a practitioner practising any system of medicine and recognised as a registered medical practitioner under any law for the time being in force in India;

(e) “near relative” means any of the following relatives of the deceased, namely, a wife, husband, parent, son, daughter, brother, and sister and includes any other person who is related to the deceased (a) by lineal or collateral consanguinity within three degrees in lineal relationship and six degrees in collateral relationship, or (b) by marriage either with the deceased or with any relative specifically mentioned in this clause or with any other relative within aforesaid degrees.

Explanation.—The expressions “Lineal and Collateral consanguinity” shall have the meanings assigned to them in the Indian Succession Act, 1925.

3. Removal of eyes of deceased person.—(1) If any person either in writing at any time, or orally in the presence of two or more witnesses during his last illness, has expressed a request that his eyes be used for therapeutic purposes after his death, the person lawfully in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorise the removal of the eyes from the body for those purposes.

(2) Without prejudice to the provisions of sub-section (1), the person lawfully in possession of the body of a deceased person may authorise the removal of the eyes from the body for the purposes aforesaid unless that person has reason to believe—

(a) that the deceased had expressed an objection to his eyes being so dealt with after his death, and had not withdrawn such objection; or

(b) that a near relative of the deceased objects to the deceased's eyes being so dealt with.

(3) An authority given under the provisions of this section in respect of any deceased person shall be sufficient warrant for the removal of the eyes

from the body and their use for the purposes aforesaid; but no such removal shall be affected except by a registered medical practitioner working in an approved institution who has satisfied himself by a personal examination of the body that life is extinct.

4. Authority when not to be given.—The authority for the removal of the eyes shall not be given under section 3 if the person empowered to give such authority has reason to believe that an inquest may be required to be held on the body in accordance with the provisions of any law for the time being in force in that behalf.

5. No authority for removal of eyes when body is entrusted to person by another only for cremation, etc.—No authority for the removal of eyes shall be given under section 3 in respect of the body of a deceased person by a person entrusted by another person with the body of a deceased person for the purpose only of its interment or cremation.

6. Authority to remove eyes when body is lying in approved institution.—In the case of a body lying in an approved institution any authority for removal of eyes under this Act may be given on behalf of the person having the control or management of the approved institution by any officer or person designated in that behalf by the first mentioned person.

7. Saving.—(1) Nothing in the foregoing provisions of this Act shall be construed as rendering unlawful any dealing with the body or any part thereof, of a deceased person which would have been lawful if this Act had not been passed.

(2) Any authority for the removal of eyes given in accordance with the provision of this Act shall not be deemed to be contravention of the provisions of section 297 of the Indian Penal Code.



STATEMENT OF OBJECTS AND REASONS

In recent years corneal grafting surgery has made rapid progress. The utilisation of this measure in this country is considerably impeded by lack of adequate supply of material from the dead. At present major obstacle to the advancement of this branch of surgery is the acute shortage of donor material owing to legal difficulties in obtaining it. As a step towards removing this obstacle and to ensure liberal and constant supply of donor material for therapeutic purposes, it has been considered essential to enact a law in Himachal Pradesh as recommended by the Central Council of Health in its sixth meeting held in Bangalore in January, 1958. This Bill seeks to achieve the above object.

SIMLA:
The 22nd September, 1964.

KARAM SINGH,
Health Minister.

FINANCIAL MEMORANDUM

NIL

MEMORANDUM REGARDING DELEGATED LEGISLATION

NIL

SURENDRA NATH,
Under Secretary.